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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/978,599 | 10/16/2001 | Rony A. Abovitz | ZKT 2 0014 | 5128 |
| 7590 | 04/29/2008 | | EXAMINER | |
| Thomas E. Kocovsky, Jr. FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114-2518 | | | CHENG, JACQUELINE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3768 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 04/29/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|-------------------------------------------|------------------------|---------------------|
| Response to Rule 312 Communication | Application No. | Applicant(s) |
| | 09/978,599 | ABOVITZ ET AL. |
| | Examiner | Art Unit |
| | JACQUELINE CHENG | 3768 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. The amendment filed on 17 March 2008 under 37 CFR 1.312 has been considered, and has been:

- a) entered.
- b) entered as directed to matters of form not affecting the scope of the invention.
- c) disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) disapproved. See explanation below.
- e) entered in part. See explanation below.

All amendments except for claims 13, 20, 25, and 37 have been entered. Claim 13 has not been entered because it changes the scope of the invention from application specific software that enables full user functionality to any application specific software. Claim 20 has not been entered because it changes the scope of the claim to only tracking locations of one tool, to the possibility of tracking multiple tools. Claim 25 has not been entered because it does not properly fix antecedent basis problems, it should be surgical tools and medical appliances. Claim 37 has not been entered because it changes the scope of the claim for being superimposed on a single diagnostic image to multiple diagnostic images.

/Brian L Casler/
Supervisory Patent Examiner, Art Unit 3737